

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
-v.- : 08 Cr. 35 (PKL)
:
JERRY BROOKS, :
:
Defendant. :
:
- - - - -x

PROPOSED EXAMINATION OF PROSPECTIVE JURORS

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**GOVERNMENT'S PROPOSED EXAMINATION
OF PROSPECTIVE JURORS**

The Government respectfully requests that the Court include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. The Court is requested to pursue more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry as to whether the particular fact or circumstance would influence the juror in favor of, or against, either the Government or the defendant.

The Charges

1. This is a criminal case. The defendant, JERRY BROOKS, has been charged with the commission of federal crimes in an Indictment filed by a grand jury sitting in this District. The Indictment contains eleven counts. Each of Counts One through Eleven of the Indictment charges the defendant, JERRY BROOKS, with making a material false statement to the General Services Administration("GSA"), a federal agency within the jurisdiction of the executive branch. Specifically, each count alleges that on or about March 22, 2002, the defendant submitted a form to GSA claiming that a particular security guard had received certain specific training on certain specific dates when, in fact - it is alleged - the defendant knew that the security guard had not received that training on those dates. Each of the eleven counts relates to a different security guard.

2. Does any juror have any personal knowledge of the charges in the Indictment as I have described it?

3. Does any juror feel that he or she could not fairly and impartially consider a case involving such charges? Has any juror formed an opinion that the actions charged in the Indictment, as I have described them to you, should not be a crime?

4. Do any of you have any opinion about the enforcement of federal laws generally that might prevent you from being fair and impartial in this case?

Knowledge of the Trial Participants

5. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, Michael J. Garcia. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Pablo Quiñones and Loyaan Egal. They will be assisted throughout the trial by Ms. Jean Kanokogi, a special agent who works for the Office of the Inspector General of GSA, and Ms. Elda Gedeon, a paralegal who works for the United States Attorney's Office. [Please ask Mr. Quiñones, Mr. Egal, Ms. Kanokogi, and Ms. Gedeon to stand as their names are called]. Do any of you know Mr. Garcia, Mr. Quiñones, Mr. Egal, Ms. Kanokogi, or Ms. Gedeon? Have any of you had any dealings, either directly or indirectly, with any of these individuals?

6. Do any of you know, or have you had any dealings, directly or indirectly, with the defendant, JERRY BROOKS, or with any relative, friend or associate of the defendant?

7. To your knowledge, do any of you have any relatives, friends, associates, employers or employees who know, or who have had any dealings with, the defendant, or any relative, friend or associate of the defendant?

8. Defendant JERRY BROOKS is represented by Mr. Richard D. Borzouye, Esq. [Please ask Mr. Borzouye to stand as his name is called]. Mr. Borzouye will be assisted throughout

the trial by _____. Do any of you know Mr. Borzouye, _____ or anyone associated with his law firm? Has any juror had any dealings, either directly or indirectly, with Mr. Borzouye or _____?

Relevant Names and Locations

9. I will now read a list of names of individuals and entities that may be mentioned during the trial, or who may be witnesses in this case. When I have finished the list, please indicate if you know, or have had any dealings, either directly or indirectly, with any of these persons or entities.

a. The Eleven Security Guards in the Indictment

- (1) Gatha Ballard
- (2) Michael Carley
- (3) Mario Castellano
- (4) Richard Figuero
- (5) Christopher Jones
- (6) George Lovaglio
- (7) Mary McDonough
- (8) Samuel Murphy
- (9) Alain Ocampo
- (10) Richard Raynor
- (11) Luis Rodriguez

b. [Additional Names To Be Provided]

c. The Federal Courthouse in Central Islip

d. INS, 711 Stewart Avenue, Garden City, NY

- e. IRS, 518A East Main Street, Riverhead, NY
- f. IRS, 107 Charles Lindbergh Blvd, Garden City,
NY
- g. Social Security Administration, 75 Oak
Street, Patchogue, NY
- h. Social Security Administration, 133 West
Sunrise Highway, Freeport, NY
- i. IRS, 50 Clinton Street, Hempstead, NY
- j. IRS, 1121 Old Walt Whitman Road, Melville, NY

Do any of you know any of these people or entities?
Have you had any dealings, either directly or indirectly, with
any of these individuals?

10. Has any juror visited any of the locations I've
mentioned?

Relationship With Government

11. Does any juror know, or have any association --
professional, business, or social, direct or indirect -- with any
member of the staff of the United States Attorney's Office for
the Southern District of New York, or the General Services
Administration?

12. Is any member of your family employed by any law
enforcement agency, whether federal, state or local?

13. Has any juror -- either through any experience he
or she has had or anything he or she has seen or read --

developed any bias or prejudice for or against the United States Attorney's Office, the General Services Administration, or law enforcement agencies in general?

14. Have you, or has any member of your family, either as an individual or in the course of your business, ever been a party to any legal action or dispute with the United States or any of the officers, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome?

Prior Jury Service

15. Have you ever, at any time, served as a member of a grand jury, whether in federal, state, county or city court? If so, when and where?

16. Have you ever served as a juror in a trial in any court? If so, in what court did you serve and was it a civil or criminal case? What type of case was it?

17. Did the jury reach a verdict?

Experience as a Witness, Defendant, or Crime Victim

18. Have you, or has any close friend ever been involved, or appeared as a witness, in any investigation by a federal or state grand jury or by a Congressional or state legislative committee, licensing authority, or Governmental agency, or been questioned in any matter by a federal, state, or local law enforcement agency?

19. Have you, or has a relative or close friend, ever

been a witness or a complainant in any hearing or trial, state or local or federal?

20. Are you, or is any member of your family, or a close friend, now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?

21. Have you, or has any member of your family, any associate or close friend, ever been charged with a crime?

22. Have you or any relative, close associate, or close friend ever been the subject of any investigation or accusation by any federal or state grand jury?

23. Has any juror been a victim of a crime? Has any juror's relative, close friend or close associate been a victim of any type of fraud crime?

Other Questions

24. Do any of you have a problem with his or her hearing or vision which would prevent you from giving full attention to all of the evidence at this trial? Do any of you take any medication which would prevent you from giving full attention to all the evidence at this trial? Do any of you have physical problems that would make it difficult for you to sit for up to two hours at a time?

25. Does any juror have any difficulty in reading or understanding English?

Function of the Court and Jury

26. The function of the jury is to decide questions of fact. You are the sole judges of the facts and nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact finders. However, when it comes to the law you must take your instructions from me and you are bound by those instructions. You may not substitute your notions of what the law is or what you think it should be. At the conclusion of the case, your job will be to determine whether or not the defendant is guilty as charged in the Indictment.

27. Do any of you feel, for any reason, that you might have difficulty accepting the instructions of the law that I will give you in this case? Will each juror accept the proposition that the question of punishment is for the Court alone to decide and that the possible punishment must not enter into the deliberation of the jurors as to whether the defendant on trial here is guilty?

28. It is not a particularly pleasant duty to find another individual guilty of committing a crime. Is there anyone among you who feels that even if the evidence established the defendant's guilt beyond a reasonable doubt, you might not be able to render a guilty verdict for reasons unrelated to the law and the evidence?

29. Do any of you have any religious, philosophical or other belief which would make you unable to render a guilty

verdict for reasons unrelated to the law and the evidence?

30. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior questions, does anyone have the slightest doubt in their mind, for any reason whatsoever, that they will be able to serve conscientiously, fairly, and impartially in this case and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained?

Juror's Background

31. The Government respectfully requests that the Court ask each juror to state the following information:

- a. the juror's occupation;
- b. the name of the juror's employer;
- c. the period of employment with that employer;
- d. the nature of the juror's work;
- e. the same information concerning other employment within the last five years;
- f. the same information with respect to the juror's spouse, parents, working children, and any persons with whom the juror resides;
- g. the area in which the juror currently resides and any other area in which the juror has resided during the last five years;
- h. the educational background of the juror, the

juror's spouse, and adult children, including the highest degree obtained;

i. the juror's hobbies;

j. the names of the newspapers and magazines the juror reads; and

k. the names of the television programs the juror regularly watches.

**Requested Instructions Following
Impaneling of the Jury**

32. From this point on until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family or friends.

33. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me.

34. In this regard, let me explain to you that the attorneys and the defendant in a case are not supposed to talk to jurors, even to offer a friendly greeting. So if you happen to see

any of them outside this courtroom they will, and should,
ignore you. Please do not take offense. They will be acting on my
instructions.

Dated: New York, New York
May 20, 2008

Respectfully Submitted,

MICHAEL J. GARCIA
United States Attorney

By: s/ Pablo Quiñones
PABLO QUIÑONES
LOYAAN A. EGAL
Assistant United States Attorneys
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